

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NO. 06-11-119, ESTABLISHING VARIOUS FEES, SECTION 3 (WATER SERVICE CHARGES), SECTION 4 (SANITARY SEWER CHARGES), SECTION 5 (SOLID WASTE COLLECTION FEES), SECTION 9 (BILLINGS AND ADJUSTMENTS FOR WATER, SANITARY SEWER AND SOLID WASTE COLLECTION SERVICES), SUBSECTION F, SECTION 11 (TAP FEE AND METER SETTING CHARGES), SECTION 12, (FEES FOR EMERGENCY MEDICAL SERVICES); REPEALING ORDINANCE NOS. 07-12-71 AND 08-12-104; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco" or "City") to revise various fees and charges for water and sewer services, sanitation services, ambulance service and other miscellaneous fees, and;

WHEREAS, Frisco has complied with all procedural and legal requirements to amend Ordinance No. 06-11-119 and repeal Ordinance Nos. 07-12-71 and No. 08-12-104, for the purposes set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Ordinance Nos. 07-12-71 and 08-12-104. Ordinance Nos. 07-12-71 and 08-12-104 are hereby repealed in their entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance Nos. 07-12-71 and 08-12-104 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance Nos. 07-12-71 and 08-12-104 occurring before the effective date of this Ordinance.

SECTION 3: Amendment to Ordinance No. 06-11-119, Establishing Various Fees, Section 3 (Water Service Charges), Section 4 (Sanitary Sewer Charges), Section 5 (Solid Waste Collection Fees), Section 9 (Billings and Adjustments for Water, Sanitary Sewer and Solid Waste Collection Services), Section 11 (Tap Fee and Meter Setting Charges) and Section 12 (Fees for Emergency Medical Services). Ordinance No. 06-11-119, Establishing Various Fees, Section 3 (Water Service Charges), Section 4 (Sanitary Sewer Charges), Section 5 (Solid Waste Collection Fees), Section 9 (Billings and Adjustments for Water, Sanitary Sewer and Solid Waste Collection Services), Section 11 (Tap Fee and Meter Setting Charges) and Section 12 (Fees for Emergency Medical Services) are hereby amended as follows:

“SECTION 3: Water Service Charges. There shall be charged and collected each month by the City of Frisco, Texas from the consumers of water service the amount of money hereinafter set out, based upon the following rates:

A. Residential Service Fees:

Residential Meters	Monthly Cost
Minimum bill includes 2,000 gallons	\$14.00
2,001 to 15,000 gallons	\$2.76/ per thousand*
15,001 to 25,000 gallons	\$3.22/per thousand*
25,001 gallons and above	\$3.46/per thousand*

*Note: Cost per thousand gallons of water or fraction thereof.

B. **Commercial Service Fees:** The minimum monthly charge shall be based on the meter size and shall be billed at the following rates which include the cost of 2,000 gallons of water:

Meter Size	Monthly Charge Includes 2,000 gallons	Cost Per Thousand gallons*
$\frac{3}{4}$ " standard	\$ 15.27	\$2.86
1"	\$ 22.68	\$2.86
1 $\frac{1}{2}$ "	\$ 45.39	\$2.86
2"	\$ 72.19	\$2.86
3"	\$134.08	\$2.86
4"	\$206.28	\$2.86
6"	\$433.20	\$2.86

*Note: Cost per thousand gallons of water or fraction thereof.

C. For multi-family units on master meters, a minimum of \$14.00 per unit will be charged, with \$2.86 per thousand gallons for each thousand gallons of water or fraction thereof used above the total number of units multiplied by 2,000 gallons.

D. Outside City limit rate for all rate classes shall be: multiplied by a factor of 1.5 for both the minimum monthly meter service and the rate for larger consumption.

SECTION 4: Sanitary Sewer Charges. There shall be charged and collected each month by City for sanitary sewer service the amount of money hereinafter set out based on the following rates:

A. The minimum monthly sewer charge shall be \$14.00 for any single-family residential unit whose water consumption for the month does not exceed 2,000. The minimum monthly sewer charge shall be \$24.77 for commercial and industrial users whose water consumption for the month does not exceed 2,000 gallons.

B. For each consumer whose water consumption in any month exceeds 2,000 gallons, the monthly sewer rate shall be \$2.55 per thousand gallons of water or fraction thereof. The charge for single-family residential sewer service shall be determined by averaging the January, February and March water bills and applying the applicable rates.

C. For each consumer whose average water consumption during the months of January, February and March exceeds 2,000 gallons, the monthly sewer rate shall be \$2.55 per thousand gallons of water or fraction thereof; provided, however, in no event shall single-family residential sewer service exceed the winter average on a monthly basis.

D. Residential customers on master meters shall pay a minimum of \$14.00 per unit per month plus \$2.55 per thousand gallons of water or fraction thereof for all consumption above the total number of units multiplied by 2,000 gallons. This provision applies to mobile home parks, apartment units and the like.

E. Commercial and industrial customers on master meters shall pay a minimum of \$24.77 per unit per month and \$2.55 per thousand gallons of water or fraction thereof for all consumption above the total number of units multiplied by 2,000 gallons.

F. Industrial users in City pretreatment program shall be charged \$0.20 per thousand gallons of water or fraction thereof in addition to the regular charges.

G. All mobile home parks, apartment complexes, commercial and industrial sewer customers shall be billed monthly on their total volume of water consumption. Water used in a direct manufacturing process or for irrigation purposes can only be exempted upon request of and written approval by City.

SECTION 5: Solid Waste Collection Fees. There shall be charged and collected each month by City for refuse and recycling collection service the amounts of money hereinafter set out based on the following schedule, not including appropriate taxation:

A. RESIDENTIAL SERVICE FEES:

Residential Carts	Per month
First cart	\$ 11.00
Additional carts, price per cart	8.00
Senior citizen, price per cart	9.00
Additional cart delivery fee per container	15.00
Replacement Fee	68.00
Additional Collection fee, per cart, when request is made on same day as regularly scheduled pick up	21.00
Additional Collection fee, per cart, when request made on day/s following regularly scheduled pick up	33.00
Reload (refill of cart while truck stands by)	21.00

B. Commercial Waste Services Deposits and Fees:

Commercial Carts	Per Month
1 st Cart	\$15.75
Additional Carts	15.75
Replacement Fee	68.00
Additional pick up per cart (by request)	17.00
Recycling Cart per month	13.00
Additional Recycling Cart per month	13.00

Service	Deposit	Fee per container
Commercial cart	\$75.00	
General commercial/retail	\$75.00	
Commercial (3 to 10 cubic yard containers) delivery fee per		\$16.00
Container resetting fee or removal (for delinquent accounts)		\$50.00
Deodorize container/per container		\$63.00
Servicing casters (4 yd only) per month per container		\$25.00
Gate closure (per enclosure) per month		\$20.00
Servicing locks per container per month		\$20.00

Fee charges for commercial collection (non-compacted containers) monthly rates:

Front-load Container Size (in cubic yards)	Number of collections per week						Extra Pick Ups
	1	2	3	4	5	6	
3	\$ 47.25	\$ 94.50	\$ 141.75	\$ 189.00	\$ 236.25	\$ 283.50	\$ 53.28
4	\$ 63.00	\$ 126.00	\$ 189.00	\$ 252.00	\$ 315.00	\$ 378.00	\$ 60.51
6	\$ 94.50	\$ 189.00	\$ 283.50	\$ 378.00	\$ 472.50	\$ 567.00	\$ 69.16
8	\$ 126.00	\$ 252.00	\$ 378.00	\$ 504.00	\$ 630.00	\$ 756.00	\$ 77.80
10	\$ 157.50	\$ 315.00	\$ 472.50	\$ 630.00	\$ 787.50	\$ 945.00	\$ 86.43

Monthly Rates Permanent Open Top Containers	Per Pick up	Daily Rental
20 yard	\$193.00*	\$3.50
30 yard	\$193.00*	\$3.50
*Plus NTMWD disposal cost per ton		

Temporary Commercial Open Tops	
Rate per haul	\$182.00*
Delivery/exchange	\$75.00
Rental per day	\$3.50
*Plus NTMWD disposal cost per ton	

Construction Waste Roll off Containers	
Size in cubic yards	City Charge Per Haul
10	\$196.00*
20	\$196.00*
30	\$196.00*
Daily Rental	\$ 3.50
Delivery Charge	\$75.00
Unable to Haul Charge	\$75.00
Relocate Fee	\$75.00
*Plus NTMWD disposal cost per ton	

Special Front Load Container Service			
Size in cubic yards	City Charge	Daily Rental	Unable to haul charge
6	\$275.00	\$3.50	\$75.00
<i>Note: City charge includes one (1) haul, one (1) delivery, three days rental and one and a half (1 1/2) tons in disposal cost.</i>			

Fee charges for commercial collection (compacted containers):

Compactors (in cubic yards)	Per Pick up
2	\$ 101.00*
4	\$137.00*
6	\$171.00*
8	\$189.00*
20	\$193.00**
30	\$193.00**
35	\$193.00**
40	\$193.00**
42	\$193.00**
*Disposal cost included in rate	
**Plus NTMWD disposal cost per ton	

C. Commercial Waste Fuel Surcharge: The City of Frisco reserves the right to add a fuel surcharge to recover increases passed along from the collection contractors.

SECTION 9: Billings and Adjustments for Water, Sanitary Sewer and Solid Waste Collection Services. The water and sanitary sewer utilities shall be operated on meters, to be in accordance with contractual agreements and bond indentures.

F. A fee of \$35.00 shall apply to any returned check given to City in payment of services.

SECTION 11: Tap Fee and Meter Setting Charges. The tap fee and meter setting charge applicable to users of the City's utility system shall be set as follows:

A. The tapping fees charged for water and sewer taps shall be set to recover the total cost of installation. These costs change from time to time, but shall be posted on the web site and at the public works facility for public viewing.

B. The tap fees must be paid prior to installing the meter. Any additional work required beyond the normal tap work (such as boring and street cutting) shall be computed by City and paid by the owner or developer before the meter is set.

C. There shall be a one-time meter setting charge to be charged and collected upon the issuance of a building permit. This charge shall be set to recover the total cost of installation. These costs change from time to time, but shall be posted on the web site and at the public works facility for public viewing.

SECTION 12: Fees for Emergency Medical Services. The following fees shall be charged to users of services provided by the Frisco Fire Department Emergency Medical Services:

A. A fee of Five Hundred Fifty Dollars (\$550.00) shall be charged per patient, per trip, for the treatment and/or transportation by the Frisco Fire Department Emergency Medical Services of a person or persons whose principal place of residence is within the city limits of Frisco to a hospital providing emergency medical care. An additional fee of ten dollars (\$10.00) per mile of transportation will be charged.

B. A fee of Seven Hundred Dollars (\$700.00) shall be charged per patient, per trip, for the treatment and/or transportation by the Frisco Fire Department Emergency Medical Services of a person, or persons whose principal place of residence is outside the city limits of Frisco to a

hospital providing emergency medical care. An additional fee of ten dollars (\$10.00) per mile of transportation will be charged.

C. A fee of Five Hundred Dollars (\$500.00), in addition to any other fees charged for treatment and/or transportation, shall be charged per patient, per incident, for extrication procedures provided by the Frisco Fire Department Emergency Medical Services of a person, or persons, from any situation or scene, including but not limited to motor vehicle accidents, industrial or construction accidents, and other rescue situations.

D. The following fees shall be charged, in addition to any other fees charged per patient, per incident for certain additional assessments, treatments, and /or procedures provided by the Frisco Fire Department Emergency Medical Services:

Additional Itemized EMS Fees					
Code		Procedure		Fee	Unit
		ALS Treat/No Transport		\$ 100.00	each
		EKG Monitoring		\$ 50.00	each
		ALS Airway Mgmt (ETT/King)		\$ 75.00	each
		IV Therapy		\$ 50.00	each
		Oxygen		\$ 50.00	each
		CPAP		\$ 65.00	each
		BIG I.O.		\$ 55.00	each
		Carbon Monoxide Detection		\$ 50.00	each
		Disposable SpO2 Sensor		\$ 15.00	each
		Spinal Immobilization		\$ 50.00	each
		Extra Attendant		\$ 30.00	each
		Amiodarone		\$ 10.00	each
		Etomidate		\$ 11.50	each
		Narcan		\$ 11.50	each
		Glucagon		\$ 80.00	each
		Zofran		\$ 13.25	each

SECTION 4: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance or Ordinance No. 06-11-119, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall

constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Savings/Repealing Clause. Frisco Ordinance No. 06-11-119 shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of conflicting ordinances shall remain in full force an effect.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 7: Effective Date. This Ordinance shall become effective from and after its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this ____ day of _____, 2010.

MAHER MASO, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

APPROVED AS TO FORM:

JENNY PAGE
City Secretary

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
City Attorney

DATES OF PUBLICATION: _____, **FRISCO ENTERPRISE**